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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,440	09/05/2003	Veshaal Singh	50277-2209	8474

29989

7590

03/16/2010

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SUITE 550

SAN JOSE, CA 95110

EXAMINER

PATEL, MANGLESH M

ART UNIT

PAPER NUMBER

2178

MAIL DATE

DELIVERY MODE

03/16/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/656,440	Applicant(s) SINGH, VESHAAL
Examiner MANGLESH M. PATEL	Art Unit 2178

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 March 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1,4-12,33-35 and 41-55.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/CESAR B PAULA/
Primary Examiner, Art Unit 2178

Applicant Argues: Since Manning describes that the tables for storing an XML document are generated on a DTD and not on user-specified commands, Manning does not describe the above feature of Claim 1. (pg 4, paragraph 1)

The Examiner Respectfully Disagrees: see column 2, lines 40-55, wherein the user queries are the user-specified commands for mapping elements to the database because not all XML documents include the DTD.

Applicant Argues: Since Manning expressly describes that instances of each separate element of an XML document are stored in a separate table corresponding solely to that element, Manning does not describe the above feature of Claim 1. (pg 5, paragraph 1)

Manning does not describe or suggest any functionality storing multiple element instance of an XML document into an XML repository as part of the same transaction. (pg 12, paragraph 2)

The Examiner Respectfully Disagrees: See column 4, lines 25-40, which suggests a one-to-many relationship between the table of elements. Thereby suggesting storing multiple elements instance of an XML document into an XML repository.

Applicant Argues: Since Manning describes that at least one representation of the entire received XML document is created in the computer system hosting the XML document manager, Manning does not describe the above feature of Claim 1. (pg 6, paragraph 2)

The Examiner Respectfully Disagrees: Each instance of the element from the XML document is mapped to the directory table during parsing. Therefore the single transformation moves the XML document directly into the tables of the relational database (see column 3, lines 60-67 & column 4, lines 1-15).

Applicant Argues: Manning does not describe that any operation of converting data is performed during the process of storing the element instances of an XML document into the XML repository. (pg 8, paragraph 2)

Manning does not even describe that any operation that converts data is performed as part of the process of storing the element instance into the XML repository. (pg 9, paragraph 2)

The Examiner Respectfully Disagrees: Manning suggests conversion of element instances to be stored in the database with other file formats aside from XML such as DHTML, CSS etc. (see column 8, lines 45-55)